

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 09-_____
v.	:	DATE FILED:_____
KERN HAYNES	:	VIOLATIONS:
	:	18 U.S.C. § 371 (conspiracy - 1 count)
	:	18 U.S.C. § 1344 (bank fraud - 1 count)
	:	18 U.S.C. § 1028A (aggravated identity
	:	theft - 10 counts)
	:	18 U.S.C. § 1030 (use of computer in
	:	connection with bank fraud - 1 count)
	:	18 U.S.C. § 2 (aiding and abetting)
	:	Notice of forfeiture

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

1. Citizens Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, certificate number 57282.
2. Defendant KERN HAYNES was employed at a Citizens Bank branch located at Philadelphia, Pennsylvania, where he had access to the identity information of the bank's customers, including names, social security numbers, dates of birth, and account numbers, as well as account balance information.
3. From in or about August 1, 2006 through on or about January 11, 2007, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

KERN HAYNES

conspired and agreed, with others known and unknown to the United States Attorney, to commit offenses against the United States, that is, to knowingly execute and attempt to execute a scheme to defraud Citizens Bank, in violation of Title 18, United States Code, Section 1344, and to knowingly and without lawful authority use a means of identification of another person, during and in relation to a bank fraud, in violation of Title 18, United States Code, Section 1028A(a)(1), and (c)(5).

MANNER AND MEANS

4. Defendant KERN HAYNES and his co-conspirators used stolen identification information to cash fraudulent checks on, and make fraudulent withdrawals from, victims' Citizens Bank accounts.

5. Defendant KERN HAYNES was recruited by Co-Conspirator 1, a person known to the United States Attorney, to provide account numbers, names, addresses, and drivers' license numbers of Citizens Bank account holders.

6. Defendant KERN HAYNES used his position at Citizens Bank to improperly access computerized information for Citizens Bank account holders, which information he provided to Co-Conspirator 1. The information provided to Co-Conspirator 1 included victim names, addresses, dates of birth, and bank account information.

7. Co-Conspirator 1 provided the stolen Citizens Bank account holder information to other individuals involved in the scheme who manufactured false photographic identifications in the name of those customers of Citizens Bank. The false identification contained the picture of individuals recruited to act as "check runners" for use in the cashing of fraudulent checks on, and the making of fraudulent withdrawals from, the accounts of those

Citizens Bank account holders.

8. Armed with false identification and fraudulent checks, these check-runners posed as Citizens Bank account holders to cash checks made payable to, and make withdrawals in the name of, those customers, totaling more than approximately \$98,000.

OVERT ACTS

In furtherance of the conspiracy, defendant KERN HAYNES and his co-conspirators committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. Between on or about August 1, 2006 and on or about January 11, 2007, defendant KERN HAYNES provided Co-Conspirator 1 with the bank account and personal information of approximately sixteen Citizens Bank account holders, including names, addresses, social security numbers, and bank account numbers.

2. Between on or about August 1, 2006 and on or about January 11, 2007, Co-Conspirator 1 provided the account and personal information to individuals who used that information to acquire and attempt to acquire approximately \$98,375 from Citizens Bank by presenting fraudulent identification in the name of the account holder to Citizens Bank tellers to cash fraudulent checks with, and make fraudulent withdrawals from, Citizens Bank.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs 1, 2 and 4 through 8 and Overt Acts 1 and 2 of Count One are realleged here.

2. From on or about August 1, 2006 and on or about January 11, 2007, in the Eastern District of Pennsylvania, and elsewhere, defendant

KERN HAYNES

knowingly executed, and attempted to execute, and aided and abetted the execution of, a scheme to defraud Citizens Bank, and to obtain monies owned by and under the care, custody and control of Citizens Bank by means of materially false and fraudulent pretenses, representations and promises.

THE SCHEME

3. Between on or about August 1, 2006 to on or about January 11, 2007, defendant KERN HAYNES used his position at Citizens Bank to improperly acquire personal and account information for Citizens Bank accounts belonging to A.M., M.H., J.B., A.W., A.S., K.M., C.M., J.R., A.B., A.T., L.G., A.R., S.H., A.J., K.Ma., and A.Y.

4. Defendant KERN HAYNES then provided that personal and account information to Co-Conspirator 1, who forwarded the information to others who used it to fraudulently take approximately \$98,375 from Citizens Bank by cashing fraudulent checks on, and making fraudulent withdrawals from, accounts belonging to A.M., M.H., J.B., A.W., A.S., K.M., C.M., J.R., A.B., A.T., L.G., A.R., S.H., A.J., K.Ma., and A.Y.

5. In furtherance of the scheme, other individuals cashed or attempted to cash

the following counterfeit checks and made or attempted to make the following fraudulent withdrawals:

<u>DATE</u>	<u>LOCATION</u>	<u>VICTIM ACCOUNT HOLDER</u>	<u>AMOUNT</u>
9/22/06	West Goshen, PA	A.M.	\$2,250
9/22/06	Newton Square, PA	A.M.	\$2,250 attempt
9/25/06	York, PA	M.H.	\$2,550 attempt
10/13/06	Wilmington, DE	J.B.	\$2,163.45
10/13/06	Wilmington, DE	J.B.	\$2,344 attempt
10/13/06	Wilmington, DE	A.W.	\$2,450.63
10/14/06	Middletown, DE	A.S.	\$2,500
10/14/06	Newark, DE	A.S.	\$2,550 attempt
10/17/06	Dover, DE	K.M.	\$ unknown attempt
10/17/06	Bear, DE	K.M.	\$ unknown attempt
10/19/06	Wilmington, DE	C.M.	\$1,950
10/19/06	Wilmington, DE	C.M.	\$1,950
10/19/06	Wilmington, DE	J.R.	\$1,950
10/20/06	State College, PA	J.R.	\$3,708
10/20/06	State College, PA	J.R.	\$3,609
10/21/06	Wilmington, DE	J.R.	\$1,950 attempt
11/03/06	Temple, PA	A.B.	\$3,956
11/03/06	Reading, PA	A.B.	\$3,811
11/04/06	Norristown, PA	A.B.	\$1,950
11/04/06	Norristown, PA	A.B.	\$1,950
11/06/06	Broomall, PA	A.B.	\$2,500
11/04/06	Reading, PA	A.T.	\$3,964 attempt

11/04/06	Reading, PA	L.G.	\$3,985 attempt
11/09/06	Bay Village, OH	A.R.	\$4,522
11/09/06	Bay Village, OH	A.R.	\$1,500
11/09/06	Fairview Park, OH	A.R.	\$4,513
11/09/06	Fairview Park, OH	A.R.	\$1,500
11/09/06	West Bay, OH	S.H.	\$3,841
11/09/06	West Bay, OH	S.H.	\$1,000
11/09/06	Lakewood, OH	S.H.	\$3,841
11/09/06	Lakewood, OH	S.H.	\$1,200
11/10/06	Strongsville, OH	A.J.	\$3,859
11/10/06	Strongsville, OH	A.J.	\$3,792
11/10/06	Strongsville, OH	A.J.	\$1,500
11/10/06	North Olmstead, OH	K.Ma.	\$4,511
11/10/06	Berea, OH	K.Ma.	\$4,505
1/11/07	Wilmington, DE	A.Y.	\$2,000 attempt

All in violation of Title 18, United States Code, Sections 1344 and 2.

COUNTS THREE THROUGH TWELVE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

Between or about August 1, 2006 and on or about January 11, 2007, in the Eastern District of Pennsylvania and elsewhere, defendant

KERN HAYNES

knowingly and without lawful authority, transferred, possessed and used, and aided and abetted the transfer, possession and use of, a means of identification of another person, that is, the name and personal identifying information of the persons indicated below, each person constituting a separate count, during and in relation to bank fraud.

<u>COUNT</u>	<u>DATE</u>	<u>ACCOUNT HOLDER</u>
3	9/22/06	A.M.
4	9/25/06	M.H.
5	10/13/06	J.B.
6	10/13/06	A.W.
7	10/14/06	A.S.
8	10/17/06	K.M.
9	10/19/06	C.M.
10	10/19/06	J.R.
11	11/03/06	A.B.
12	11/04/06	A.T.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

COUNT THIRTEEN

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

From on or about August 1, 2006 through on or about January 2, 2007, in the Eastern District of Pennsylvania, defendant

KERN HAYNES

intentionally accessed a protected computer and exceeded authorized access, and thereby obtained information contained in a financial record of Citizens Bank, a federally insured financial institution doing business in interstate commerce.

In violation of Title 18, United States Code, Section 1030(a)(2)(A).

NOTICE OF FORFEITURE

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. As a result of the violations of Title 18, United States Code, Sections 371, and 1344, set forth in this information, defendant

KERN HAYNES

shall forfeit to the United States of America any property, real or personal, that constitutes or is derived from proceeds traceable to the commission of such offenses, as charged in this information, including, but not limited to, the sum of \$76,782.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2).

LAURIE MAGID
Acting United States Attorney